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PATENT

Customer No. 22,852

Attorney Docket No. 05725.0134-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christine DUPUIS

Application No.: 09/172,853

Filed: October 15, 1998

For: COSMETIC COMPOSITION WITH A
FIXING AND/OR CONDITIONING
POLYMER CONTAINING A
SPECIFIC ACRYLIC COPOLYMER

) Group Art Unit: 1617

) Examiner: E. Webman

36

Commissioner for Patents
P.O. Box 1450
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to the instant application, Application No. 09/172,853, filed October 15, 1998, for COSMETIC COMPOSITION WITH A FIXING AND/OR CONDITIONING POLYMER CONTAINING A SPECIFIC ACRYLIC COPOLYMER in the name of Christine DUPUIS as indicated by executed assignment recorded on October 7, 1996, at Reel 8171, Frame 0994, in parent Application No. 08/694,591, filed August 9, 1996, now abandoned.

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Assignee, L'Oréal S.A., further represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to Application No. 09/364,581, filed July 30, 1999, pending, for COSMETIC COMPOSITION WITH A FIXING AND/OR CONDITIONING POLYMER CONTAINING A SPECIFIC ACRYLIC COPOLYMER in the name of Christine DUPUIS, as indicated by assignment duly recorded in the U.S. Patent and Trademark Office on October 7, 1996, at Reel 8171, Frame 0994, in grandparent Application No. 08/694,591, filed August 9, 1996, now abandoned.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on copending Application No. 09/364,581. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on copending Application No. 09/364,581 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on copending Application No. 09/364,581, as presently shortened by any terminal disclaimer, in the event that any patent granted on copending Application No. 09/364,581 later expires for failure to pay a maintenance fee, is held unenforceable,

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is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 29, 2003

By: Carol P. Einaudi
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